

ZB# 05-52

John Mowbray

55-1-117

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-12-05







Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

January 17, 2006

John Mowbray
318 Beattie Road
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #05-52

Dear Mr. Mowbray:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 55-1-117

In the Matter of the Application of

JOHN MOWBRAY

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #05-52

WHEREAS, John Mowbray, owner(s) of 318 Beattie Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 24 ft. Side Yard Setback for existing deck at 318 Beattie Road in an R-1 Zone (55-1-117)

WHEREAS, a public hearing was held on September 12, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application, the spectator asked questions about the application but, expressed no opposition; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one Family Dwelling located in a neighborhood of one Family Dwellings in an R-1 zone.
 - (b) The applicant seeks a variance for a deck which was constructed approximately fifteen years prior to the application.
 - (c) The deck will not create the ponding or collection of water or divert the flow of water drainage.

- (d) The applicant has received no complaints, either formally or informally, about the deck.
- (e) The deck will not be built on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (f) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.
- (g) The deck is similar in size and appearance to other decks in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

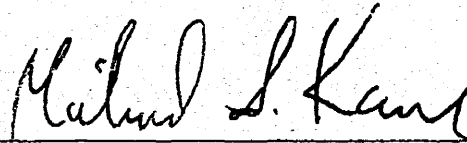
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 24 ft. Side Yard Setback for existing deck at 318 Beattie Road in an R-1 Zone (55-1-117) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: SEPTEMBER 12, 2005

A handwritten signature in cursive script, reading "Michael S. Kaur", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: August 12, 2005

APPLICANT: Mr. John Mowbray
318 Beattie Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: August 10, 2005

FOR : EXISTING 13'2" x 30' SIDE DECK

LOCATED AT: 318 Beattie Road

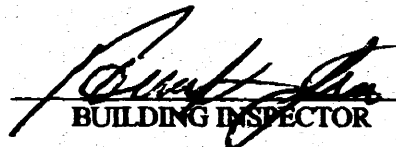
ZONE: R-1 **Sec/Blk/ Lot:** 55-1-117

COPY

DESCRIPTION OF EXISTING SITE: ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing side deck does not meet minimum 40' set-back.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE:R-1 USE: Bulk Tables: 5-F

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 40' 16' 24'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

AUG 08 2005

FOR OFFICE USE ONLY:
Building Permit #: DA2005-821

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises JARLENE MOWBRAY

Address 318 Bratty Rd Phone # 496 7482

Mailing Address Washingtonville NY Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer) _____

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 55 Block 1 Lot 117

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing Deck

6. Is this a corner lot? Yes

13'2" x 30'

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

ZONING BOARD

PAID

ck # 3754
\$50

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

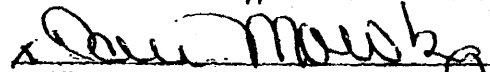
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

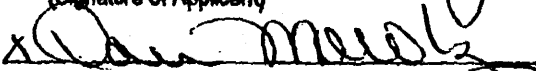
INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

(Address of Applicant)


(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions.

N

ANN Elizabeth Dr.

318 Leahy Rd

19

House

Q&A

○

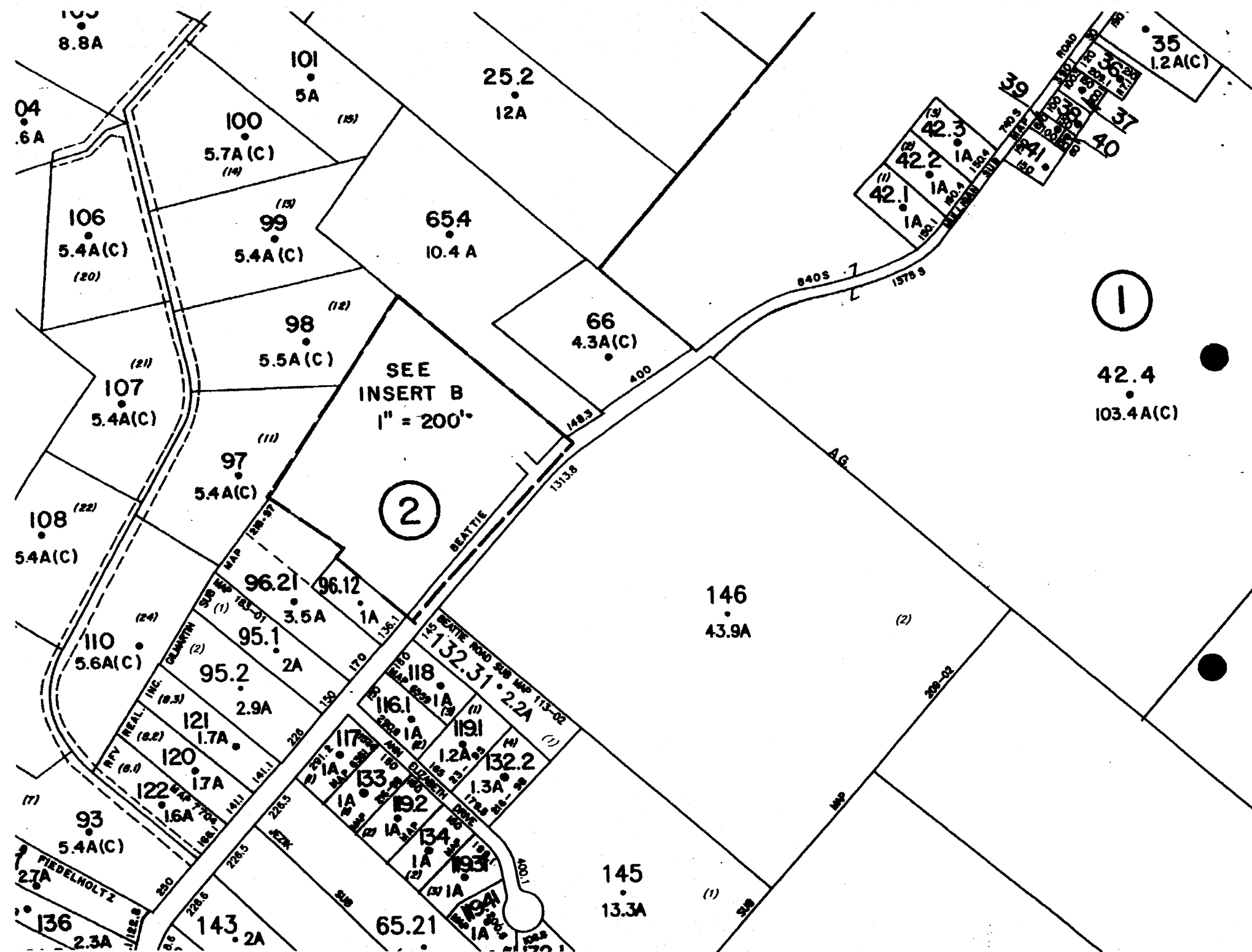
Backyard

Property Line

needs
ZBA
&
self permit

Doc. 7-1

E



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 10/24/05
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 150.25 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-52

NAME & ADDRESS:

**John Mowbray
318 Beattie Road
Washingtonville, NY 10992**

THANK YOU,

MYRA

L.R.10/24/05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-52 TYPE: AREA TELEPHONE: 496-7482

APPLICANT:

John Mowbray
318 Beattie Road
Washingtonville, NY 10992

RESIDENTIAL:	\$ 50.00	CHECK # <u>3762</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 3764



DISBURSEMENTS:

MINUTES ATTORNEY
\$5.50 / PAGE FEE

PRELIMINARY:	<u>4</u>	PAGES	<u>\$22.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	_____	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$11.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	_____	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 8/25/05 \$46.75

TOTAL: \$79.75 \$70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$149.75

AMOUNT DUE: \$ _____

REFUND DUE: \$150.25

Cc:

L.R. 10/24/05

JOHN_MOWBRAY_(05-52) _____

MR. KANE: Request for 24 ft. side yard setback for existing deck at 318 Beattie Road. Tell us what you want to do. Your name please?

MS. LORRAINE: Debbie Lorraine, she actually signed an affidavit for me to come in.

MS. GALLAGHER: This is the sister, they have a proxy.

MR. KANE: Will you be here for the public hearing?

MS. LORRAINE: No, they'll be here.

MR. KANE: Okay, for an existing deck, do you know did they cut out any trees or remove substantial vegetation in the building of the deck?

MS. LORRAINE: No.

MR. KANE: Create any water hazards or runoffs with the building of the deck?

MS. LORRAINE: No.

MR. KANE: Any complaints formally or informally about the deck?

MS. LORRAINE: No.

MR. KANE: Is the deck similar in size and nature to other decks that are in your neighborhood?

MS. LORRAINE: Yes..

MR. KRIEGER: How long has it been existing?

MS. LORRAINE: I'd say at least 15 years.

MR. KANE: You understand in a public hearing if everything is approved you still have to meet the requirements?

MS. LORRAINE: They're in the process of that right now.

MR. REIS: Any complaints about the deck?

MR. KANE: I already asked that. Any further questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion we set up John Mowbray for request for 20 foot side yard setback for existing deck at 318 Beattie Road for a public hearing.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

JOHN_MOWBRAY_(05-52) _____

MR. REIS: Request for 24 ft. side yard setback for existing deck at 318 Beattie Road in an R-1 zone.

Mr. John Mowbray appeared before the board for this proposal.

MR. REIS: Tell us what you want to do.

MR. MOWBRAY: I'm looking for a variance on the deck I built about 15 years ago.

MR. REIS: Deck hasn't caused any water hazards or ponding?

MR. MOWBRAY: No.

MR. REIS: Did you have to cut down any substantial vegetation?

MR. MOWBRAY: No.

MR. REIS: Does it go over any easements, right-of-ways?

MR. MOWBRAY: No, sir.

MR. REIS: Have you had any complaints about this structure from your neighbors?

MR. MOWBRAY: No, no, sir.

MR. REIS: You're selling your property, that's what brings you here?

MR. MOWBRAY: That's correct, sir.

MR. KRIEGER: The deck is immediately adjacent to an exit from the house, is that correct?

MR. MOWBRAY: Yes, it's a two tiered deck, there's a deck off the back.

MR. KRIEGER: And a person exiting the house would be likely to sustain serious physical injury if the deck weren't there?

MR. MOWBRAY: Absolutely.

MR. REIS: Any questions before we open it up to the public?

MS. LOCEY: What's this white pipe?

MR. MOWBRAY: That's from my leader, my gutter, it's a gutter, it's from the leader pipe running down the side of the house.

MR. REIS: John, is this deck consistent or similar to the other decks in the neighborhood?

MR. MOWBRAY: Yes, it is.

MR. REIS: All right, we'll open it up to the public, anyone here for this application?

MR. MCKEAN: I just have a question, I'm his next door neighbor, Andrew McKean, when it says a 24 foot setback, that's the amount of variance you're giving cause it's 40 feet off the line so you're just saying since it's only 16 feet that he's allowed to have the extra 24, is that what it means?

MR. BABCOCK: That's correct.

MR. REIS: He doesn't have the adequate distance so he's asking to vary the zone.

MR. MCKEAN: This only applies to the existing

structure, so if the person who buys this decides they want to modify it, they have to conform to the new existing code?

MR. MOWBRAY: I think what he's asking if they take the deck down and put a new deck up they would have to go through the same thing.

MR. REIS: That's correct.

MR. MCKEAN: That's all I wanted to know, just wanted to clarify.

MR. REIS: If they're going to extend beyond its current size.

MR. MCKEAN: If they tear it down.

MR. REIS: If they tear it down for the exact same size.

MR. BABCOCK: They just get a building permit.

MR. REIS: If they want to expand beyond its current depth, they'll have to get an additional variance.

MR. MCKEAN: Let me just clarify, if they tear it down, can they build something up to the 16 foot off the line?

MR. REIS: Yes.

MS. LOCEY: They could replace it with a newer version of the same size, not bigger, so it wouldn't get closer to the road or side yard.

MR. MCKEAN: Just goes right by my driveway, I don't have a problem with John, you know.

MR. REIS: Do you have a thought as to if you're in

September 12, 2005

32

favor of it or you don't like the idea?

MR. MCKEAN: I don't have a problem with it.

MR. REIS: Thank you, sir. Anyone else? All right, we'll close the public hearing. Board, any other questions? I'll accept a motion.

MS. GANN: I'll offer a motion that we grant John Mowbray's request for 24 foot side yard setback for existing deck at 318 Beattie Road.

MR. BROWN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-52
Request of JOHN MOWBRAY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 24 ft. Side Yard Setback for existing deck at 318 Beattie Road in an R-1 Zone (55-1-117)

PUBLIC HEARING will take place on September 12, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1789945 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

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NEW WINDSOR NY 12553

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RECEIVED
SEP 2 2005
TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mkt. Content: 0



RESULTS OF Z.B.A. MEETING OF:

September 3, 2005

PROJECT: John Mowbray

ZBA # 05-52

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) G S) B VOTE: A 4 N 0.

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ _____
REIS A
KANE _____

CARRIED: Y _____ N _____

Andrew McKerr - Asked about replacement -

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME605002
Qualified in Orange County
Commission Expires 10/30, 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

August 16, 2005

Darlene Mowbray
318 Beattie Road
Washingtonville, NY 10992

Re: 55-1-117 ZBA#: 05-52 (17)

Dear Mrs. Mowbray:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

55-1-65.21

Henry & Beth Jezik
306 Beattie Road
Washingtonville, NY 10992

55-1-96.12

Eugene & Anna Neporanny
335 Beattie Road
Washingtonville, NY 10992

55-1-118

Alice Polman
330 Beattie Road
Washingtonville, NY 10992

55-1-120

Richard & Mirella DiPaola
295 Beattie Road
Washingtonville, NY 10992

55-1-132.2

Robert & Rachael Douglas
23 Ann Elizabeth Drive
Washingtonville, NY 10992

55-1-134

Michalis, Stavroula and
Christina Kotsamanidis
20 Ann Elizabeth Drive
Washingtonville, NY 10992

55-1-95.1

James & Deborah Corcoran
317 Beattie Road
Washingtonville, NY 10992

55-1-96.21

David & Arlene Nolan
325 Beattie Road
Washingtonville, NY 10992

55-1-119.1

Joseph & Susan Picone
17 Ann Elizabeth Drive
Washingtonville, NY 10992

55-1-121

Ferald Fiedelholtz
301 Beattie Road
Washingtonville, NY 10992

55-1-132.31

Kenneth McKenna
334 Beattie Road
Rock Tavern, NY 12575

55-1-144

Robert & Susan Jezik
1031 Peekskill Hollow Road
Putnam Valley, NY 10579

55-1-95.2

John & Karen Finnigan
309 Beattie Road
Washingtonville, NY 10992

55-1-116.1

Raymond & Loretta Sullivan
328 Beattie Road
Washingtonville, NY 10992

55-1-119.2

Timothy & Donna Santiago
16 Ann Elizabeth Drive
Washingtonville, NY 10992

55-1-122

Eugene & Janis Cash
285 Beattie Road
Washingtonville, NY 10992

55-1-133

Andrew & Heather McKeen
10 Ann Elizabeth Drive
Washingtonville, NY 10992

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

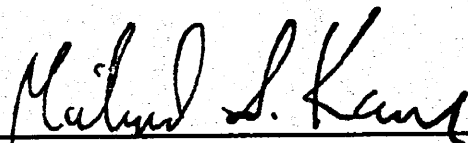
Appeal No. 05-52

Request of JOHN MOWBRAY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 24 ft. Side Yard Setback for existing deck at 318 Beattie Road in an R-1 Zone (55-1-117)

PUBLIC HEARING will take place on SEPTEMBER 12, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

August 23, 2005

John Mowbray
318 Beattie Road
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #05-52

Dear Mr. Mowbray:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

318 Beattie Road
Washingtonville, NY

is scheduled for the September 12th, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 08-16-05

FOR: ESCROW 05-52

FROM:

John Mowbray
318 Beattie Road
Washingtonville, NY 10992

CHECK NUMBER: 3764

TELEPHONE: 496-7482

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#759-2005

08/16/2005

Mowbray, Darlene & John *Z BA 05-52*

Received \$ 50.00 for Zoning Board Fees, on 08/16/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: August 22, 2005

PROJECT: John Mowbray ZBA # _____
P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____S)____ VOTE: A____ N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M Me S Mc VOTE: A 4 N 8

GANN	A
LOCEY	
BROWN	
MCDONALD	A
REIS	A
KANE	A

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___S)___ VOTE: A___N___.

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y_____N_____.

[illegible]



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

August 16, 2005

**John Mowbray
318 Beattie Road
Washingtonville, NY 10992**

SUBJECT: REQUEST FOR VARIANCE #05-52

Dear Mr. Mowbray:

This letter is to inform you that you have been placed on the August 22, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**318 Beattie Road
New Windsor, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

8.16.05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: 845.496.7482
Fax Number: ()
DARLENE & JOHN MOWBRAY
(Name)
318 Beatty Rd Washingtonville NY 10992
(Address)

II. Applicant:

Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number ()
Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: R-1 Property Address in Question: 318 Beatty Rd Washingtonville NY
Lot Size: 1.00 Tax Map Number: Section 55 Block 1 Lot 117
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? 1984
d. Has property been subdivided previously? _____ If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? _____
f. Is there any outside storage at the property now or is any proposed? _____

******PLEASE NOTE:******

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40'	16'	24'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The present deck only adds to the beauty of the home & property.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16th day of August 2005,

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Deborah Green
Signature and Stamp of Notary

Don Morley
Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Don Mowbray, deposes and says that he resides
(OWNER)

at 318 Beatty Rd Washingtonville in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 117)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Debra Lorraine Diemann Rock Tavern NY
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8.11.2005

** Don Mowbray
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
16th day of August 2005

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4884065

Commission Expires July 15, 2007

Applicant's Signature (If different than owner)

Representative's Signature

Deborah Green
Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

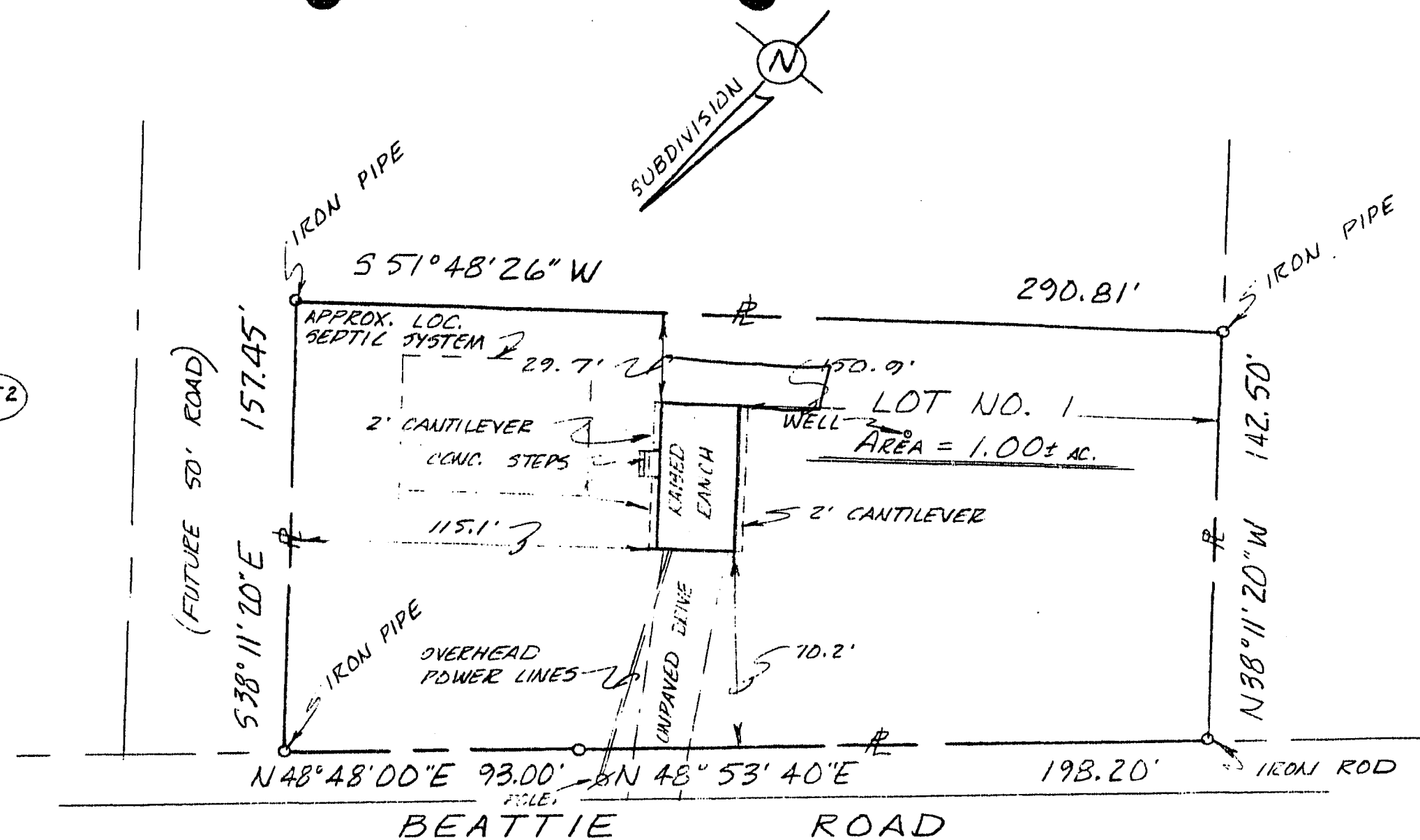
NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

LOT 2



GENERAL NOTES

1. Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of Section 7209(2) of the New York State Education Law.
2. Only copies from the original of this map, marked with an original of the Surveyor's inked seal, shall be considered to be valid, true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, to the assignees of the lending institution, and is not transferable to any additional institutions or subsequent owners.

SPECIAL NOTES

- 1) Being Lot No. 1 as shown on a map entitled "Henry Van Leeuwen Amended Minor Subdivision" filed in the Orange County Clerk's Office as Map No. 6559.
- 2) Surveyed in accordance with said Map on 9 April 1984:
- 3)
- 4) Offsets shown are at right angles to the property lines:
- 5) No Certification is made for items not visible at ground surface at the time of the survey:
- 6) Subject to utility grants and easements of record.

CERTIFICATION

I hereby certify to John E. Mowbray, Darlene M. Mowbray, Commonwealth Land Title Insurance Company and the Warwick Savings Bank that this plan resulted from an actual field survey of the indicated premises on 9 April 1984 and 1 May 1984, performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc. and is to the best of my knowledge and belief, correct.



ELIAS D. GREVAS, L.S.

LAND SURVEYOR
33 QUASSAICK AVENUE
NEW WINDSOR, NEW YORK 12550

SURVEY FOR:

JOHN E. MOWBRAY
& DARLENE M. MOWBRAY

TOWN OF NEW WINDSOR · ORANGE COUNTY · NEW YORK

Revision	Date	Description	Drawn: <i>U/BAL</i>
1	24 JULY '84	ADDED HOUSE LOCATION PER FIELD	Checked: <i>gm</i>
		SURVEY OF 20 JULY 1984; DELETED	Scale: 1" = 50'
		SPECIAL NOTE NO. 3	Date 31 MAY 1984
2	21 AUG. 1984	REVISED TO FINAL PER FIELD INSP. 8/30/84	Job No: 84-070

BOUNDARY SURVEY